

Permit: USACE Permit No. 200001460

FINAL ADMINISTRATIVE PENALTY ORDER

Under the authority granted by 33 U.S.C. § 1319(g) and 33 CFR Part 326.6, I, Colonel John E. Pulliam, Jr., District Commander, Wilmington District, issue this order assessing a Class 1 Administrative Penalty for violation of the above-referenced permit.

Name/Address of Permittee:

Waste Industries, Inc.

Permitted Activity:

The discharge of earthen fill material within 11.0 acres of Department of the Army (DA) jurisdictional wetlands, to facilitate the expansion of the Sampson County Municipal Solid Waste Landfill, on property located off N.C. Highway 24, adjacent to Bearskin Swamp, near Roseboro, Sampson County, North Carolina, consistent with the application and plans for USACE Permit No. 200001460.

Condition(s) or Limitation(s) of Permit Reportedly Violated:

Waste Industries, Inc. failed to comply with special condition 10 b. of its November 10, 2002 permit, which states, "The creation mitigation must be initiated simultaneously or prior to any impacts to the permitted wetland areas," and that "all [mitigation] work must be completed within 30 days of the completion of filling the project wetland area."

Description of the Nature of the Violation(s):

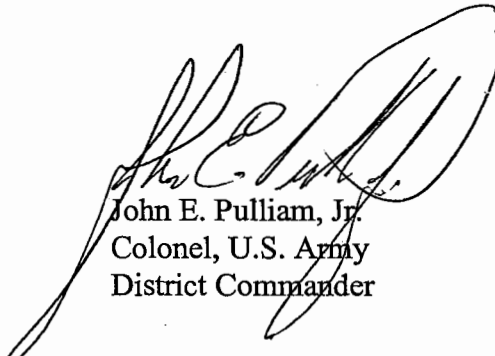
Waste Industries, Inc. constructed the landfill facility in wetlands without complying with this permit condition. Waste Industries, Inc. only recently completed construction of the required compensatory mitigation work.

It is my decision that a Class 1 Administrative Penalty in the amount of \$5,000 shall be assessed against the permittee. Permittee will pay the penalty by cashier's or certified check, payable to FAO, USAED Wilmington, and delivered to the Office of Counsel, U.S. Army Engineer District, P.O. Box 1890, Wilmington, North Carolina, 28402, within 30 days from the effective date of this letter.

The issuance of this Order constitutes final U.S. Army Corps of Engineers action in this case for purposes of judicial review.

This order will become effective 30 calendar days following its issuance unless an appeal is taken pursuant to 33 U.S.C. § 1319(g)(8) or a hearing is granted. Since no hearing was held prior to the issuance of this Order, a prior commenter may file a petition for a hearing within the 30-day period.

Issued this 21st day of April 2006.



John E. Pulliam, Jr.
Colonel, U.S. Army
District Commander